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| 10/021,176      | 10/30/2001  | Raza Hayder          | NOR/1017            | 1395             |

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06/13/2003

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Cincinnati, OH 45202

EXAMINER

PARKER, FREDERICK JOHN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

.1762

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/021,176

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE — 3 — MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 5/20/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- Of the above claim(s) 7-10 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of group I, claims 1-6 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that Applicants elected group I but argued the restriction of group I and II, without relating these groups to elected group I. The Examiner interprets this to mean Applicants do not contest the election of group I versus II and II but only whether the restriction between II and II is correct. This is not found persuasive because since this argument is irrelevant to the election of group I, the Examiner will proceed with the examination of group I, and acknowledges Applicants' right to file a divisional related to non-elected claims. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

2.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 3,6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 3 and 6 are vague and indefinite because it is unclear how applying a coating bead toward a first of two major surfaces results in the coating of *both major surfaces* with the same bead of coating material.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

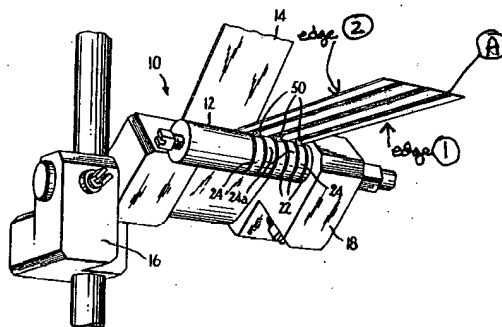
5. Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by

Creamer US 4025671.

Creamer teaches applying polymeric or other liquid coating material to a moving strip 14 having opposing major surfaces (same as "elongated band") using a fixed coating head 12 having openings which dispense non-uniform coatings onto the strip, as shown in figure 1. The strip 14 moves supported

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around the coater device and contacts grooved coating roller 12, where the strip moves aligned with the dispensing axis of the openings (outlets). As apparent from figure 1 (reproduced below), the band is placed on roller 12 so that one side edge of the strip is closer to **an** outlet of the liquid dispenser than the other side edge of the strip, in accordance with the guiding step of claim 1; i.e. as shown below the outlet of coating deposit A is closer to edge 1 of the band than edge 2 of the band. Therefore the reference meets the limitations of the claim given the broadest reasonable interpretation set forth by the Examiner.



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**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 4,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creamer in view of Bolyard Jr et al US 6520237.

Creamer is cited for the same reasons above, which are incorporated herein.

The axis of the dispenser facing the strip at an oblique angle is not cited.

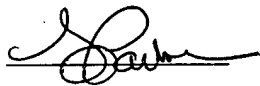
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Bolyard, Jr et al teaches applying liquid coating material in the form of strands from dispenser 10 onto a substrate. As shown in figure 4, the applicator head 40 comprising a plurality of orifices is pivotally mounted on shaft 70 to adjust angular orientation so the spacing between adjacent dispensed strands is reduced in proportion to the angle between substrate and dispensing surface of the applicator, as shown in figure 4, and therefore the widths of the applied coating liquid are changed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Creamer by incorporating a pivotally mounted applicator head as disclosed by Bolyard, Jr et al to provide coating deposits on a substrate of different spacings and widths.

9. Claims 3 and 6 distinguish over the prior art which does not teach nor suggest dispensing a coating a coating bead on one major surface of a substrate having two major surfaces, and using the same bead to coat BOTH major surfaces. However, the claims have been rejected under 35 USC 112 above.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred J. Parker whose telephone number is (703) 308-3474.



**FRED J. PARKER  
PRIMARY EXAMINER**

Fred J. Parker

June 12, 2003

10-021176